

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIMOTHY R. TROXELL,
Plaintiff,

v.

CITY OF SOUTH HOUSTON, *et al.*,
Defendants.

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CIVIL ACTION H-12-01835

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM & RECOMMENDATION AND ORDER OF REMAND**

Having reviewed the Magistrate Judge's Memorandum & Recommendation dated July 11, 2013 (Dkt. 23), to which neither party objected, the court is of the opinion that the Memorandum & Recommendation be adopted by this court.

It is **ORDERED** that the Memorandum & Recommendation (Dkt. 23) is hereby **ADOPTED** by the court and defendants' motion to dismiss (Dkt. 14) is **GRANTED IN PART**. Plaintiff's federal due process claims are **DISMISSED WITH PREJUDICE**.

Further, the court agrees with the Magistrate Judge's recommendation that the court should decline to exercise supplemental jurisdiction over plaintiff's remaining Texas state-law claims. *See* 28 U.S.C. § 1367(c); *Enochs v. Lampasas Cnty.*, 641 F.3d 155, 161 (5th Cir. 2011) ("Our general rule is to dismiss [supplemental] state claims when the federal claims . . . are dismissed."). Thus, it is further **ORDERED** that plaintiff's state-law claims are **REMANDED** to the 234th Judicial District Court of Harris County, Texas.

Signed at Houston, Texas on August 1, 2013.



Gray H. Miller
United States District Judge